

### **REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application.

#### **Disposition of Claims**

Claims 1, 4-9, 12-17, and 20-24 were currently pending in this application. Claims 6, 7, 14, 15, 22, and 23 have been cancelled by this reply without prejudice or disclaimer. Claims 1, 9 and 17 are independent. The remaining claims depend, directly or indirectly, from claims 1, 9 and 17.

#### **Examiner Interview**

Applicants have reviewed the Interview Summary issued by the Examiner on December 7, 2007. Applicants agree with the statements made in the Interview Summary and thanks the Examiner for courtesies extended during the Examiner Interview conducted on December 4, 2007.

#### **Claim Amendments**

The independent claims have been amended to clarify the invention as recited. No new subject matter is added by way of these amendments. Support for these amendments may be found, for example, at least in paragraphs [0027], [0035], and [0040] of the Publication of the present application (U.S. Patent Application Publication Serial No. 2005/0015500).

### Drawings

The Examiner objects to the drawings as failing to show every feature of the invention specified in the independent claims. Applicants note that the Examiner has not pointed to any particular limitation of independent claims 1, 9, and 17 that is not taught by the Figures of the present application. However, Applicants believe all necessary and required elements of the claimed invention are shown by the drawings, and thus, Applicants traverse the Examiner's objection.

Specifically, 37 CFR § 1.83(a) specifically requires that *any structural detail* that is *essential for a proper understanding* of the disclosed invention should be shown in the drawing. (*see* MPEP 608.02(d) and *Ex parte Good*, 1911 D.D. 43, 164 O.G. 739 (Comm'r Pat. 1911)). Said another way, 37 CFR § 1.83(a) does *not* require *every element* and clearly not *every word or phrase* referred to in the claims be shown explicitly. The Applicants respectfully assert that the specification adequately describes the features and, particularly the drawings, provide any *structural* detail that is *essential for a proper understanding* of the disclosed invention.

Particularly, Applicants assert that Figures 1 and 4, at least, show every feature of the independent claims. The limitation reciting that content is buffered according to the client device type is explicitly recited in Figure 4, Step 403. Further, the buffered content segments are clearly shown in Figure 1, in elements 115 and 116. The Specification clearly recites, in paragraph [0026] of the Publication of the present application, that the "pages" shown in 116 of Figure 1 are equivalent to "buffered segments" of content.

In view of the above, the Applicants assert that the drawings, as pending, satisfy the drawing requirements of the rules outlined in 37 C.F.R. § 1.83(a). Accordingly, withdrawal of this objection is respectfully requested.

### **Rejections under 35 U.S.C. § 101**

Claims 17 and 20-24 are rejected under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. Claims 22 and 23 have been cancelled by this reply. Accordingly, this rejection is now moot with respect to the cancelled claims. With respect the remaining claims, this rejection is respectfully traversed. The Examiner asserts that the term “computer readable media” is defined as a transmission medium, which could be light waves, carrier waves, or a signal, all of which are non-statutory subject matter. Applicants have amended independent claims 17 to recite “a computer readable *storage* medium.”

In the case *In Re Beauregard*, the Commissioner of Patent and Trademarks declared “that computer programs embodied in a tangible medium, such as floppy diskettes, are patentable subject matter under 35 U.S.C. § 101,” and further conceded that the claims of *In Re Beauregard* were statutory. *In Re Beauregard*, 53 F.3d 1583 (1995); U.S. Patent No. 5,710,578 (“*Beauregard*”). Claim 17, as amended, explicitly recites a computer program embodied in a tangible medium (*i.e.*, a computer readable medium on which program instructions are *stored*). Therefore, similar to *Beauregard*, amended claim 17 is directed to statutory subject matter. Thus, amended claim 17 is in compliance with 35 U.S.C. § 101. Dependent claims 20-24 are also in compliance with 35 U.S.C. § 101 for at least the same reasons. Withdrawal of this rejection is respectfully requested.

**Rejections under 35 U.S.C. § 103**

Claims 1, 4-6, 9, 12-14, 17, and 20-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Publication No. 2002/0103935 ("Fishman") in view of ("Kalish"). Claims 6, 14, 22 have been cancelled by this reply. Accordingly, this rejection is now moot with respect to the cancelled claims. To the extent that this rejection may still apply to the pending amended claims, this rejection is respectfully traversed.

"The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit." MPEP § 2143 (referring to *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, 127 S. Ct. 1727 (2007)). The analysis presented by the Examiner to support the rejection of the claims under 35 U.S.C. § 103 in the Office Action mailed on September 28, 2007 shows that the Examiner found no differences between the cited prior art and the claims besides a lack of the actual combination of the elements in a single prior art reference, *i.e.*, that the Examiner is relying solely on the teachings of the prior art. See, *e.g.*, MPEP § 2143(A). Applicants respectfully assert that the Examiner has not made a proper finding that the cited prior art includes every element of the claims.

The amended independent claims of the present invention recite "providing *security* by controlling access to the buffered content for the duration of the *device session*, wherein only the client device is permitted access to the buffered content." See Publication of present application, paragraph [0027]. Thus, the amended independent claims require, in part, (1) creating a device session for the specific client device and (2) providing security for the duration of the device session

such that no other client device can access the buffered segments of the content for the client device associated with the device session.

Turning to the rejection of the claims, the Examiner admits that Fishman fails to teach or suggest segmenting the buffered content into a plurality of segments, wherein each of the plurality of segments is sized in accordance with the type of the client device. *See* Office Action mailed September 28, 2007, pages 4-5. Further, as discussed with the Examiner during the Examiner Interview conducted on December 4, 2007, Fishman fails to teach or suggest creating a client device session and providing security by controlling access to the buffered segments of content. In fact, Fishman is completely silent with respect to placing any type of access control on the content for a particular mobile client. Fishman also does not contemplate associating the mobile client with a device session or any type of session during which the mobile client's content is customized and provided to the mobile client.

Further, Kalish fails to supply that which Fishman lacks. Kalish is relied upon by the Examiner to teach a plurality of segments of content that are sized according to a device type. *See* Office Action mailed September 28, 2007, page 5. However, Kalish is completely silent with respect to providing security by controlling access to the segments of the skin page. Further, Kalish also fails to teach or suggest associating the device with a device session.

Finally, because both Fishman and Kalish fail to teach or suggest the creation of a device session for the client device, it logically follows that both Fishman and Kalish fail to teach or suggest *invalidating* the buffered, segmented content sized for a particular client device once the duration of the client device session expires, as required by the amended independent claims.

In view of the above, it is clear that amended independent claims 1, 9, and 17 are patentable over Fishman and Kalish, whether considered separately or in combination. Dependent claims 4-6, 12-14, and 20-22 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 7, 8, 15, 16, 23, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fishman and Kalish, and further in view of US Publication No. 2004/0203670 ("King"). Claims 7, 15, and 23 have been cancelled by this reply. Accordingly, this rejection is now moot with respect to the cancelled claims. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Fishman and Kalish fail to teach or suggest all the limitations of amended independent claims 1, 9, and 17. Further, King fails to supply that which Fishman and Kalish lack, as evidenced by the fact that the Examiner relies on King solely for the purpose of teaching invalidating buffered content when a session for the client device ends and for using a cache memory to buffer the content. See Office Action mailed September 28, 2007, page 6. Further, with respect to King, the Examiner asserts that "incompleteness" is equivalent to invalidating the buffered content that is specifically sized to a particular client device. *Id.* Applicants respectfully disagree.

The claimed invention requires that a device session be created for a particular client device, and when the duration of the device session expires, the buffered, segmented content that is sized for the client device associated with the device session is *invalidated* so that no one else can access that content. Invalidating buffered content means that the content is no longer accessible and/or usable. Said another way, by invalidating the buffered content, the claimed invention makes the

buffered content obsolete. This is clearly distinct from an incomplete channel, as taught by King. King specifically teaches that "Completeness in this context indicates that the entire channel is present in the cache memory," thus meaning that an incomplete channel is a channel that is not completely present in the cache memory. See King, paragraph [0093]. Incomplete data simply means that the data is not *all* present (*i.e.*, some data is missing). However, incomplete data, in contrast to invalid data, can still be accessed and used. Thus, an incomplete portion of a channel stored in cache memory is *not* the same as invalidated content stored in a buffer.

In view of the above, it is clear that independent claims 1, 9, and 17 are patentable over Fishman, Kalish, and King, whether considered separately or in combination. Furthermore, dependent claims 8, 16, and 24 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/504001).

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Respectfully submitted,

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